

CRIMES WITHOUT BENEFIT OF PAROLE

<u>R. S.</u>	<u>CRIME:</u>
14:30	First Degree Murder
14:30.1	Second Degree Murder
14:31	Manslaughter (According to R.S. 14:50.1, anyone convicted of manslaughter or attempt to commit manslaughter where the victim is 65 years or older, in addition to any other penalty, shall serve a minimum of 5 years without benefit of parole.)*
14:32.1	Vehicular Homicide; at least one year to be served without benefit of parole
14:34	Aggravated Battery (According to R.S. 14:50.1, anyone convicted of aggravated battery or attempt to commit aggravated battery where the victim is 65 years or older, in addition to any other penalty, shall serve a minimum of 5 years without benefit of parole.)*
14:34.2(B)(2)	Battery of a Police Officer
14:34.5(B)(2)	Battery of a Correctional Facility Employee
14:35	Simple Battery (According to R.S. 14:50.1, anyone convicted of simple battery or attempt to commit simple battery where the victim is 65 years or older, in addition to any other penalty, shall serve 5 years without benefit of parole.) *
14:37	Aggravated Assault (According to R.S. 14:50.1, anyone convicted of aggravated assault or attempt to commit aggravated assault where the victim is 65 years or older, in addition to any other penalty, shall serve 5 years without benefit of parole.)*
14:42	Aggravated Rape
14:42.1	Forcible Rape (at least 2 years of sentence without benefit of parole; According to R.S. 14:50.1 anyone convicted of forcible rape or attempt to commit forcible rape where the victim is 65 years or older, in addition to any other penalty, shall serve 5 years without benefit of parole.)*
14:43	Simple Rape
14:43.1	Sexual Battery
14:43.2	Aggravated Sexual Battery
14:43.3	Oral Sexual Battery
14:43.4	Aggravated Oral Sexual Battery
14:44	Aggravated Kidnapping
14:44.1	Second Degree Aggravated Kidnapping (at least 2 years of sentence without benefit of parole.)

Crimes Without Benefit of Parole, Cont.

- 14:45 Simple Kidnapping (According to R.S. 14:50.1, anyone convicted of simple kidnapping or attempt to commit simple kidnapping where the victim is 65 years or older, in addition to any other penalty, shall serve 5 years without benefit of parole.)*
- 14:46 False Imprisonment (According to R.S. 14:50.1 anyone convicted of false imprisonment or attempt to commit false imprisonment where the victim is 65 years or older, in addition to any other penalty, shall serve 5 years without benefit of parole.)* Please Note: False imprisonment while armed with a dangerous weapon, 14:46.1, is not an enumerated crime under R.S. 14:50.1 and therefore would be eligible for parole.
- 14:51 Aggravated Arson (at least 2 years of sentence without benefit of parole.)
- 14:52.1(B) Simple Arson of a Religious Building (at least 2 years of sentence without benefit of parole.)
- 14:60 Aggravated Burglary (Use or Discharge of Firearm)
- 14:62.1 Simple Burglary of a Pharmacy
- 14:62.1(C) Simple Burglary of a Pharmacy/2nd subsequent offense
- 14:62.2 Simple Burglary of an Inhabited Dwelling (at least one year of sentence without benefit of parole.)
- 14:62.6(B) Simple Burglary of a Religious Building (at least 2 years of sentence without benefit of parole.)
- 14:64 Armed Robbery
- 14:64.1 First Degree Robbery
- 14:64.2 Carjacking
- 14:70.1(B) Medicaid Fraud (at least one year of sentence without benefit of parole if the loss to the state is in excess of \$25,000.)
- 14:79(C)(1) Violation of Protective Orders with a Battery, no previous convictions (at least 14 days of sentence without benefit of parole.)
- 14:79(C)(2) Violation of Protective Orders with a Battery; 1 previous conviction (at least 14 days of sentence without benefit of parole.)
- 14:79(C)(3) Violation of Protective Orders with a Battery; 2 or more previous convictions (at least 1 year of sentence without benefit of parole.)
- 14:81.1 Pornography Involving a Juvenile
- 14:81.2(D)(2) Molestation of a Juvenile (first conviction at least 5 years without benefit of parole.)

Crimes Without Benefit of Parole, Cont.

- 14:81.2(D)(4) Molestation of a Juvenile (on a subsequent conviction, sentence without benefit of parole.)
- 14:89.1 Aggravated Crime Against Nature
- 14:94(F) Illegal Use of Weapon while committing Crime of Violence or in Violation of Uniformed Controlled Dangerous Substance (UCDS)/2nd subsequent offense
- 14:94(F) Illegal Use of Weapon while Committing Crime of Violence or in Violation of Uniformed Controlled Dangerous Substance (UCDS) when Firearm is a Machine Gun or is equipped with a firearm silencer or muffler
- 14:94(F) Illegal use of Weapon while committing Crime of Violence or in Violation of Uniformed Controlled Dangerous Substance (UCDS) when Firearm is a Machine Gun or is equipped with a firearm silencer or muffler/2nd subsequent offense
- 14:95(D) Illegal Carrying of Weapons/3rd and subsequent offense
- 14:95.1 Possession of a Firearm by Persons Convicted of Certain Felonies:
- 1st or 2nd Degree Murder
 - Manslaughter
 - Aggravated battery
 - Aggravated, forcible, or simple rape
 - Aggravated crime against nature
 - Aggravated kidnapping
 - Aggravated arson
 - Aggravated or simple burglary
 - Armed, first degree, or simple robbery
 - Burglary of a pharmacy
 - Burglary of an inhabited dwelling
 - Unauthorized entry of an inhabited dwelling
 - Purse snatching
 - Felony illegal use of weapons or dangerous instrumentalities
 - Manufacture or possession of a delayed action incendiary device
 - Manufacture or possession of a bomb
 - Any violation of UCDS Law

(Includes any attempt to commit the above.)

- 14:98(D) Operating a Vehicle While Intoxicated/3rd offense (at least 6 months of the sentence is without benefit of parole.)
- 14:98(E) Operating a Vehicle While Intoxicated/4th or subsequent offense (at least 2 years of the sentence is without benefit of parole.)
- 14:106(G)(2) Obscenity/2nd offense
- 14:106(G)(3) Obscenity/3rd or subsequent offense

Crimes Without Benefit of Parole, Cont.

- 14:106(G)(4) Obscenity with or in the presence of an unmarried person under 17
- 14:106.1 Promotion or Wholesale Promotion of Obscene Devices/2nd and subsequent offenses
- 14:402.1 Taking of Contraband to State Owned Hospitals
- 15:542(F)(2) Failure to Register as a Sex Offender/2nd or subsequent offense
- 40:967(B)(3) Production or manufacturing of amphetamine or methamphetamine (**Act 1284 of the 1997 Legislature**)
- 40:967(B)(4)(a) Production or manufacturing of cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 (**Act 1284 of the 1997 Legislature**)
- 40:967(B)(4)(b) Distribution, dispensing or possession with intent to produce, manufacture, distribute or dispense cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964; first 5 years without benefit of parole (**Act 1284 of the 1997 Legislature**)
- 40:979(B) Attempt and Conspiracy/Schedule I
- 40:981.2(C) Soliciting by Person over 18 years of age to minor under Schedule 2A
- 40:981.3(E)(1) Violation of UCDS Law (without benefit for min. mandatory term)
- 40:981.3(E)(2) Violation of UCDS Law at/near school/drug treatment facility
- *R.S. 14:50.1 was held unconstitutional in the case of State v. Goode, Sup.1980, 380 So.2d 1361.